

U.S. Patent Application Serial No. 10/594,449
Amendment filed April 25, 2008
Reply to OA dated October 29, 2007

AMENDMENTS TO THE CLAIMS:

Please amend claims 1, 2, 3, 4, 6 and 7, as follows. This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (Currently amended): A recombinant herpesvirus that is not (excluding infectious laryngotracheitis virus, [()]) having wherein the recombinant herpesvirus has a DNA that encodes a polypeptide comprising 429 amino acids at the amino terminal end of a protein encoded by the polypeptide of SEQ ID NO: 2, the gB gene of infectious laryngotracheitis virus or encodes a modification of SEQ ID NO: 2 polypeptide in which from one to seven or a plurality of amino acids have been deleted, added, or substituted in said polypeptide, but that does not encode any other portion of the gB gene of infectious laryngotracheitis virus.

Claim 2 (Currently amended): The recombinant herpesvirus (excluding infectious laryngotracheitis virus) according to claim 1 in which a DNA encoding the amino acid sequence set forth in SEQ ID NO: 4 or an amino acid sequence a modification of SEQ ID NO: 4 in which from one to seven amino acids have been deleted, added or substituted, is linked in a frame with the 3'-end of the above DNA encoding the polypeptide of SEQ ID NO: 2 or the modification of SEQ ID NO: 2.

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Claim 3 (Currently amended): The A recombinant herpesvirus (~~excluding infectious laryngotracheitis virus~~) according to claim 2, wherein the herpesvirus is a herpesvirus that infects avians.

Claim 4 (Currently amended): The recombinant herpesvirus according to claim 3 wherein [[a]] the herpesvirus that infect avians is Marek's disease virus type 1, 2 or 3.

Claim 5 (Previously presented): A vaccine against infectious laryngotracheitis virus comprising as an active ingredient a recombinant herpesvirus according to claim 4.

Claim 6 (Currently amended): The recombinant herpesvirus (~~excluding infectious laryngotracheitis virus~~) according to claim 1, wherein the herpesvirus is a herpesvirus that infects avians.

Claim 7 (Currently amended): The recombinant herpesvirus according to claim 6 wherein [[a]] the herpesvirus that infect avians is Marek's disease virus type 1, 2 or 3.

Claim 8 (Previously presented): A vaccine against infectious laryngotracheitis virus comprising as an active ingredient a recombinant herpesvirus according to claim 7.

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Claim 9 (Previously presented): A vaccine against infectious laryngotracheitis virus comprising as an active ingredient a recombinant herpesvirus according to claim 6.

Claim 10 (Previously presented): A vaccine against infectious laryngotracheitis virus comprising as an active ingredient a recombinant herpesvirus according to claim 1.

Claim 11 (Previously presented): A vaccine against infectious laryngotracheitis virus comprising as an active ingredient a recombinant herpesvirus according to claim 2.

Claim 12 (Previously presented): A vaccine against infectious laryngotracheitis virus comprising as an active ingredient a recombinant herpesvirus according to claim 3.